

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1618 of 1997

in

SPECIAL CIVIL APPLICATION No 6841 of 1996

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR.K.G.BALAKRISHNAN and  
MR.JUSTICE S.D.DAVE

=====

1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgement?-No.
2. To be referred to the Reporter or not?-No. :
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?-No.
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?-No.
5. Whether it is to be circulated to the Civil Judge?-No. :

-----  
STATE OF GUJARAT

Versus

SHAKRIBEN SOMAJI THAKORE

-----  
Appearance:

GOVERNMENT PLEADER for Appellants  
RULE SERVED for Respondent No. 1  
MR JAYANT PATEL for Respondent No. 2  
MR UDAYAN P VYAS for Respondent No. 9  
MR AJ PATEL for Respondent No. 25

-----  
CORAM : CHIEF JUSTICE MR.K.G.BALAKRISHNAN and  
MR.JUSTICE S.D.DAVE

Date of decision: 19/07/1999

ORAL JUDGEMENT: (Per K.G. Balakrishnan, C.J.)

This is an appeal against the judgment of the learned single Judge in Special Civil Application No.6841 of 1996. The petitioners in the Special Civil Application sought permission to sell their property, as permission of the Competent Authority was required under Section 26 of the Urban Land (Ceiling and Regulation) Act, 1976. The permission was rejected and against that, the Special Civil Application was filed. In the instant case, the petitioners had already sold the property to others. Hence, the question of permission did not arise. The learned single Judge allowed the Special Civil Application and thereby, held that sanction should be deemed to have been accorded under Section 26(2) of the Act as no option to purchase the property was exercised by the Competent Authority. Aggrieved by the same, the present Letters Patent Appeal is filed.

Ms. Harsha Devani, learned Assistant Government Pleader, who appeared for the Authority, conceded that in view of Section 4 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999, the matter has abated, and the appeal is, therefore, disposed of as having abated.

19th July, 1999 ( K.G. Balakrishnan, C.J. )

( S.D. Dave, J. )

\*\*\*\*\*

(apj)